

HIGHLIGHTS OF RULEMAKING PROCESS

ENVIRONMENTAL PROTECTION DIVISION

EPD follows the steps of the Administrative Procedures Act and the Policy of the Board of Natural Resources. These steps are summarized below.

START-UP

A proposed rule is started by one of several events:

- Change in EPA Rule
- Change in State Law
- Change in Federal Law
- Internal Identification
- External Identification

EARLY DEVELOPMENT

Draft language is prepared. The effort to prepare this is dependent upon the rule. Some rule changes are simply exact use of EPA rule changes or State law language. Some rules involve new ground or creative thinking. For this latter group, EPD uses stakeholder groups to prepare early rule language.

PUBLIC PARTICIPATION PLAN

EPD prepares a public participation plan early in the rulemaking process. The various elements to be included in this plan were developed by the Board of Natural Resources.

DNR BOARD BRIEFING

Prior to issuing public notice, EPD briefs the Board of Natural Resources on the proposed rule.

EARLY PUBLIC INPUT

If the proposed rule is not simply adopting Federal language or making minor changes, EPD often requests input on the proposed rule prior to the formal Administrative Procedures Act process. This input could be through various mechanisms, but typically by issuing public notice, receiving comments and holding a public meeting. EPD reviews all comments and usually makes changes to the proposed rule.

PUBLIC NOTICE AND PUBLIC COMMENT PERIOD

EPD issues formal public notice asking for comments on the proposed rule. This notice includes the following:

- An exact copy of the proposed rule
- Date and place of public hearing
- Methods to provide comments to EPD
- Rule Synopsis
- Statement of Rationale
- Analysis of financial impact on small business
- Date and place of DNR Board meeting when rule is proposed for adoption

The public notice is delivered to Legislative Counsel for forwarding to House and Senate Natural Resources Committee Chairs.

REVIEW OF COMMENTS

After all comments have been received, EPD reviews them and decides either to present the rule to the DNR Board for adoption or to revise the proposed rule. If the proposed rule is to be revised, EPD must repeat the above public notice step.

DNR BOARD ACTION

Once EPD has completed all the above steps, the proposed rule is presented to the DNR Board. First, the Environmental Protection Committee considers the proposed rule. If this committee passes the proposed rule, it is considered by the full Board. The Board can either adopt the rule exactly as proposed or reject it. If the Board wants changes to the proposed rule, EPD must repeat the public notice step seeking comments on the changed proposed rule. Once a rule is adopted by the DNR Board, it is filed with the Secretary of State for publication.

ADDITIONAL INFORMATION

The above is just the highlights presented to understand the overall process. However, it is important to add that there are many opportunities for public input during the process. These include, depending upon the complexity and the importance of the rule:

1. Stakeholder Groups
2. Written Comments
3. E-mail Comments
4. Public Hearing Comments
5. Comments at Board Meeting

EPD puts all rulemaking activities and schedules on our website, which also includes a summary of all comments received, a summary of EPD responses to comments and the final Board action. EPD e-mails (and sends letters to those persons without e-mail access) public notices to all persons requesting notification.

EXAMPLE – Rules for Outdoor Water Use

START-UP

In 2002, several citizen groups and other State agencies advised EPD that Georgia needed a drought management plan.

EARLY DEVELOPMENT

A very large stakeholders group was assembled to prepare the drought management plan. It was completed in 2003. One chapter of the plan, “Outdoor Water Use Schedules,” was recommended to become a rule.

PUBLIC PARTICIPATION PLAN

EPD prepared a plan in January, 2004.

DNR BOARD BRIEFING

EPD provided a verbal briefing on the proposed rules to the Board at its January, 2004 meeting.

EARLY PUBLIC INPUT

EPD issued an early public notice (not the final public notice) on the proposed rules in February, 2004. EPD held a public meeting to receive comments in March. EPD received about two dozen comments. EPD changed the proposed rule to incorporate the suggestions from golf course owners and local governments.

PUBLIC NOTICE

EPD issued a formal public notice on April 23, 2004 on the proposed rules as revised. A copy of this notice was delivered to Sewell Brumby on April 23. A public hearing was held on May 17th and attended by about thirty persons. Essentially all comments supported the proposed rule.

REVIEW OF COMMENTS

After May 17th, EPD reviewed all comments and decided to proceed with the proposed rule.

DNR BOARD ACTION

The Environmental Protection Committee of the DNR Board passed the proposed rule on May 25, 2004 after listening to verbal comments. The full Board adopted the rule on May 26th. The rule was filed with the Secretary of State on June 8, 2004. All drinking water systems were provided a copy of the rule on June 4, 2004 and were requested to implement the outdoor water use schedules by August 1, 2004.